

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

DAVID I. GLOVER and TIMOTHY B.
PRIDEMORE,

Plaintiffs,

v.

THE CITY OF NORFOLK, VIRGINIA, and
RICHARD J. HRYNIEWICH,

Defendants and Third-Party Plaintiffs

v.

SAFE BOATS INTERNATIONAL, LLC
AND WILLARD MARINE, INC.

Third-Party Defendants and
Counterclaimant,

Case No. 2:17-cv-00109 (EWH)

**THIRD-PARTY PLAINTIFF’S PRETRIAL DISCLOSURES:
WITNESS AND EXHIBIT LIST AND DESIGNATION OF DISCOVERY MATERIALS**

COMES NOW, Third-Party Plaintiff the City of Norfolk, Virginia (hereinafter, the “City”) by counsel and pursuant to Rule 26(a)(3) of the Federal Rules of Civil Procedure and this Court’s Scheduling Order (ECF No. 288), and as and for its Witness and Exhibit List and Designation of Discovery Materials for its claims against Third-Party Defendant SAFE Boat’s International, LLC (hereinafter, “SAFE Boats”), states as follows:

I. Witnesses

The City expects to call or may call if the need arises the following witnesses (address and telephone number provided where not identified in discovery):

Witness	Expects to Present	May Call If Need Arises	Presented By Deposition
Officer Hryniewicz	X		

Witness	Expects to Present	May Call If Need Arises	Presented By Deposition
Sergeant Edwin A. Pagan	X		
Captain David Huffman	X		
David I. Glover		X	
Timothy B. Pridemore		X	
Steven Porco		X	
Timothy S. Evans		X	
Fred Pratt		X	
Eddie Powell		X	
John Poch	X		
Harold C. Springfield		X	
S.A. Holiday		X	
William Hansen			X
Tyler Lohse			X
Scott Peterson			X
Richard Schwarz			X
Michael Christ		X	

The City reserves the right to call any witnesses identified by the Plaintiffs or SAFE Boats and/or any witness not otherwise identified for purposes of rebuttal or impeachment. By identifying the foregoing witnesses, the City does not guarantee their attendance at trial, but will make reasonable efforts to arrange for their attendance if seasonably requested by other parties.

II. Exhibits

The City identifies the following documents and/or other exhibits that they expect to offer at the trial of this matter as well as those they may offer if the need arises.

Exhibit No.	Document / Exhibit Name or Description	Source / Citation	Expects to Offer	May Offer if the Need Arises
1	Basic Marine Operators Course completion certificate	HR000004, NOR00068	X	
2	Tactical Operators Course completion certificate	HR000005, NOR00069	X	
3	Special Purpose Craft – Law Enforcement (SPC-LE) Operator’s Handbook, COMDINST 16114.40 (Jan. 2008)	HR000021-286	X	

Exhibit No.	Document / Exhibit Name or Description	Source / Citation	Expects to Offer	May Offer if the Need Arises
4	SAFE Boats Inspection Report	NOR00002-07, 280-85; SB 0000003-08	X	
5	Purchase Order No. 702833 (July 11, 2007)	NOR00035-37; SB 000033-35	X	
6	SAFE Boats Quote dated May 8, 2007	NOR00038-41, 210-13, 562-65; SB 000036-39	X	
7	SAFE Boats Objections and Responses to Subpoena Duces Tecum	NOR00062-67		X
8	Willard Marine, Inc., bid on IFB #4427-0-2014EMP	NOR00078-101	X	
9	Dare Marine Invoice No. 7055	NOR00102		X
10	Specialized Position Description / Harbor Patrol Officer	NOR00106-07	X	
11	Officer Hryniewich Harbor Patrol Training Evaluation (Feb. 9, 2012 to Mar. 9, 2012)	NOR00108-09	X	
12	Officer Hryniewich Harbor Patrol Training Evaluation (dated Jan. 9, 2009 to Feb. 9, 2009) *(entered date is a typo – signatures show year should be 2012)	NOR00110-11	X	
13	Officer Hryniewich Harbor Patrol Training Evaluation (Mar. 14, 2012 to Apr. 14, 2012)	NOR00112-13	X	
14	Willard Marine, Inc., Invoice No. 18722-01	NOR00137	X	
15	Purchase Order No. PC000021464	NOR00138	X	
16	Willard Marine, Inc., Invoice No. 18744-01	NOR00142		X
17	NASBLA BOAT Tactical Operator's Course Federal Exclusionary Zone Enforcement Training Curriculum	NOR00151-56		X
18	Yamaha Diagnostic System Data F300	NOR00157-59	X	

Exhibit No.	Document / Exhibit Name or Description	Source / Citation	Expects to Offer	May Offer if the Need Arises
19	Yamaha Diagnostic System Data LF300	NOR00160-62	X	
20	Notice of Award for IFB #4427-0-2014EMP	NOR00163	X	
21	Yamaha Diagnostic System Data LF300	NOR00164-73		X
22	Yamaha Diagnostic System Data F300	NOR00174-83		X
23	Norfolk Purchase Order No. 000021464	NOR00242	X	
24	Willard emails seeking payment of invoices	NOR00273-74, 308-09		X
25	VMRC Incident Report	GLO01018-24	X	
26	Norfolk Police Department Forensic Investigation Report FCS # 0386-14	NOR00276		X
27	Norfolk Police Department Forensic Investigation Report FCS # 0386-14A	NOR00277		X
28	Norfolk Police Department Forensic Investigation Report FCS # 0386-14B	NOR00278		X
29	2011 Port Security Grant Program Application	NOR00292-307	X	
30	Officer Hryniewicz Field Training Evaluation, dated Mar. 1, 2009 to Mar. 31, 2009	NOR00334-37		X
31	Officer Hryniewicz Field Training Evaluation, dated Apr. 1, 2009 to Apr. 30, 2009	NOR00331-33		X
32	Officer Hryniewicz Field Training Evaluation, dated May 1, 2009 to May 31, 2009	NOR00338-41		X
33	Officer Hryniewicz Field Training Evaluation, dated June 1, 2009 to June 30, 2009	NOR00350-53		X
34	Officer Hryniewicz Field Training Evaluation, dated July 1, 2009 to July 31, 2009	NOR00354-57		X
35	Officer Hryniewicz Field Training Evaluation, dated Aug. 1, 2009 to Aug. 31, 2009	NOR00358-61		X

Exhibit No.	Document / Exhibit Name or Description	Source / Citation	Expects to Offer	May Offer if the Need Arises
36	Officer Hryniewich Field Training Evaluation, dated Sep. 1, 2009 to Sep. 30, 2009	NOR00342-45		X
37	Officer Hryniewich Field Training Evaluation, dated Oct. 1, 2009 to Oct. 31, 2009	NOR00346-49		X
38	Officer Hryniewich Field Training Evaluation, dated Nov. 1, 2009 to Nov. 30, 2009	NOR00362-65		X
39	Officer Hryniewich Field Training Evaluation, dated Dec. 1, 2009 to Dec. 31, 2009	NOR00366-69		X
40	Officer Hryniewich Monthly Probationary Officer Evaluation, dated Jan. 1, 2010 to Jan. 31, 2010	NOR00370-72		X
41	Officer Hryniewich Monthly Probationary Officer Evaluation, dated Feb. 1, 2010 to Feb. 28, 2010	NOR00375-76		X
42	Officer Hryniewich Performance Review, Feb. 2010	NOR00411-22		X
43	Officer Hryniewich Performance Review, Oct. 2011	NOR00423-34		X
44	Officer Hryniewich Performance Review, Sep. 2013	NOR00378-89	X	
45	Officer Hryniewich Performance Review, May 2013	NOR00390-401	X	
46	Officer Hryniewich Performance Evaluation, Sep. 16, 2013 to Sep. 15, 2014	NOR00435-41	X	
47	Harbor Patrol Unit Standard Operating Procedures Manual	NOR00457-64	X	
48	MARINE 2 Logbook excerpt	NOR00498-506	X	
49	MARINE 3 Logbook excerpt	NOR00507-511	X	
50	Harbor Patrol Boarding Sheet dated Mar. 5, 2013	NOR00512	X	
51	Harbor Patrol Boarding Sheet dated Feb. 28, 2013	NOR00513	X	

Exhibit No.	Document / Exhibit Name or Description	Source / Citation	Expects to Offer	May Offer if the Need Arises
52	Harbor Patrol Boarding Sheet dated Feb. 27, 2013	NOR00514	X	
53	Harbor Patrol Call Out sheet	NOR00515	X	
54	Maritime Boarding Training with HRT Ferries	NOR00516-18	X	
55	Harbor Patrol Boarding Sheet dated Apr. 29, 2013	NOR00519		X
56	Harbor Patrol Boarding Sheet dated Feb. 28, 2013	NOR00529		X
57	Harbor Patrol Boarding Sheet dated Jan. 8, 2013	NOR00534		X
58	Harbor Patrol Boarding Sheet dated Jan. 7, 2013	NOR00535		X
59	Harbor Patrol Boarding Sheet dated Aug. 11, 2012	NOR00549-50	X	
60	Norfolk Sole Source Procurement justification, dated June 7, 2007	NOR00560	X	
61	SAFE Boats Letter of May 3, 2007	NOR00561	X	
62	Photograph of capsized vessel	NOR02060		X
63	Photograph of capsized vessel	NOR02061	X	
64	Photograph of capsized vessel	NOR02063	X	
65	Photograph of capsized vessel	NOR02079	X	
66	Photograph of capsized vessel	NOR02098		X
67	Photograph of capsized vessel	NOR02130	X	
68	Photograph of capsized vessel	NOR02144		X
69	Photograph of vessel during salvage	NOR02171	X	
70	Photograph of vessel during salvage	NOR02187		X
71	Photograph of vessel cabin interior during salvage	NOR02200	X	

Exhibit No.	Document / Exhibit Name or Description	Source / Citation	Expects to Offer	May Offer if the Need Arises
72	Photograph of vessel cabin interior during salvage	NOR02203	X	
73	Photograph of vessel cabin interior during salvage	NOR02211		X
74	Photograph of vessel cabin interior during salvage	NOR02213		X
75	Virginia Department of Emergency Management Funding Allocation Report	NOR02323-24	X	
76	Willard Marine quote details	NOR02437	X	
77	Defender Class Operator's Handbook (USCG COMDINST 16114-37B)	See attached	X	
78	Defender Class Operator's Handbook (USCG COMDINST 16114-37A)	See attached	X	
79	David Glover Resume	WM000014-16	X	
80	Willard Marine Safety Rules and Acknowledgment Form	WM000025-27	X	
81	Injury & Illness Prevention Program for Willard Marine, Inc.	WM000170-293	X	
82	Willard Marine Condition Report 002, dated Feb. 28, 2014	WM000396	X	
83	Email accepting Willard Marine Condition Report 002	WM000397	X	
84	Feb. 14, 2014, email from Mr. Glover to John Poch and Edwin Pagan	WM000307-08	X	
85	Feb. 19, 2014, email from Mr. Glover to Mr. Pridemore	WM000313	X	
86	Photograph of vessel recovery	WM000575		X
87	Willard Marine, Inc., Condition Report dated Feb. 17, 2014	WM000616	X	
88	Emails between Mr. Glover and John Poch, Feb. 24, 2014, through Mar. 12, 2014	WM000352-53	X	

Exhibit No.	Document / Exhibit Name or Description	Source / Citation	Expects to Offer	May Offer if the Need Arises
89	Mid-Atlantic Maritime Academy 80 Hour Master 100 Ton course completion certificate	GLO00997	X	
90	Basic Craft Familiarization course completion certificate	GLO00999	X	
91	Three Day Rescue Boat Operations Review course completion certificate	GLO01000	X	
92	SAFE Boats Inventory List	SB_000089-100		X
93	MARINE 5 Diagram	SB_000103	X	
94	SAFE Boats emails regarding Israeli capsized incident	SB_000113-17		X
95	NASBLA video: "Closer is better"	NASBLA 0609	X	
96	NASBLA video: "herding"	NASBLA 0611	X	
97	NASBLA video: "intercept 1"	NASBLA 0612	X	
98	NASBLA video: "intercept 3"	NASBLA 0613	X	
99	NASBLA Tactical Boat Operator's Course Student Guide	NASBA 0007-0257	X	
100	NASBLA Tactical Boat Operator's Course instructor notes regarding maneuvering risks	NASBLA 0288-89		X
101	Yamaha Owner's Manual	HRY00287-398	X	
102	Yamaha Owner's Manual	NOR01784-78	X	
103	Tim Pridemore Employee Performance Evaluation, dated May 5, 2011	PRI01594	X	
104	Timothy Pridemore resume	PRI01047-48	X	
105	Production Manager – East Coast, Essential Functions	PRI01650-51	X	

Exhibit No.	Document / Exhibit Name or Description	Source / Citation	Expects to Offer	May Offer if the Need Arises
106	SAFE Boats International Sea Trial Records for Hull No. 1108	SB_000015-16	X	
107	SAFE Boats International Serial Number Parts Listing	SB_000101	X	
108	Copy of Vessel Capacity Plate	SB_000102	X	
109	SAFE Boats International - Common Boat – Boat Operator’s Handbook	SB_001525-1786	X	
110	David Glover’s Answer to the City’s Interrogatory 2	Plaintiff’s Answers to Defendant the City of Norfolk’s First Set of Interrogatories (May 10, 2017), as supplemented (June 22, 2021)	X	
111	Willard Marine Answer to SAFE Boats Interrogatory 10	Third-Party Defendant Willard Marine, Inc.’s Answers to SAFE Boats International, LLC’s First Interrogatories (July 5, 2017)	X	
112	SAFE Boats Answer to City Interrogatory 9	SAFE Boats International, LLC’s Objections and Answers to City of Norfolk’s First Interrogatories (July 17, 2017)	X	

Exhibit No.	Document / Exhibit Name or Description	Source / Citation	Expects to Offer	May Offer if the Need Arises
113	SAFE Boats Answer to City Interrogatory 16	SAFE Boats International, LLC's Objections and Answers to City of Norfolk's First Interrogatories (July 17, 2017)		X
114	Willard's Response to the City's Request for Admission No. 1	Third-Party Defendant Willard Marine, Inc.'s Responses to the City of Norfolk's Second Requests for Admission (July 6, 2017)		X
115	SAFE Boats' Response to the City's Request for Admission No. 5	SAFE Boats International, LLC's Objections and Responses to the City of Norfolk's First Requests for Admission (July 17, 2017)		X
116	SAFE Boats' Response to Officer Hryniewicz's Request for Admission No. 6	SAFE Boats International, LLC's Objections and Responses to Richard J. Hryniewicz's First Requests for Admission (Oct. 19, 2017)		X
117	Exhibit 2 to William Hansen Deposition	See Attached	X	
118	Exhibit 3 to William Hansen Deposition	See Attached	X	
119	Exhibit 5 to William Hansen Deposition	See Attached	X	

Exhibit No.	Document / Exhibit Name or Description	Source / Citation	Expects to Offer	May Offer if the Need Arises
120	SAFE Boats July 2, 2020 Memo Regarding Adjustment to Outboard Engine Capacities for Base Boats	SB_006506-6517		X
121	Exhibit 5 to Paul Kamen Deposition, ABYC H-26 Powering of Boats	See Attached		X

The City reserves the right to introduce any exhibits identified by the Plaintiffs or SAFE Boats and/or any exhibit not otherwise identified for purposes of rebuttal or impeachment. The City further reserves the right to supplement this exhibit list as needed, pending the Court's decision on SAFE Boats' Motion in *Limine*.

III. Discovery

The City designates the following portions of deposition transcripts (and, as applicable, associated video recordings) in lieu of in court testimony pursuant to Federal Rule of Civil Procedure 32(a)(1), (3), and (4):

Deponent Name	Deposition Transcript Citations	Relevance and Basis for Admission
Richard Schwarz Deposition, dated November 14, 2017	5:20-6:4; 7:19-8:22; 15:11-16:17; 17:1-18:15; 30:2-33:4; 37:2-38:23; 54:5-57:6; 80:10-85:16; 105:23-118:13; 122:7-129:25; 131:7-134:18; 138:8-141:7; 156:5-158:14; 161:25-164:13; 176:18-23; 178:5-180:2; 187:19-25.	Deposition testimony regarding SAFE Boat's sale of vessel to City of Norfolk, testing protocols, design and operation of the vessel, and vessel history. Admissible pursuant to Federal Rule of Civil Procedure 32.
Scott Peterson Deposition, dated January 26, 2018	4:1-15; 7:18-8:11; 18:9-25:1; 25:5-44:25; 52:11-54:5; 56:5-60:25; 62:8-15; 65:12-70:24; 75:19-76:10; 78:21-80:2; 80:15-84:20; 93:4-95:10.	Deposition testimony regarding SAFE Boat's sale of vessel to City of Norfolk, testing protocols, design and operation of the vessel, and vessel history. Admissible pursuant to Federal Rule of Civil Procedure 32.

William Hansen Deposition, dated January 25, 2018	5:1-10; 7:13-20, 8:1-14:1, 14:9-28:23, 29:14-36:25, 37:13-56:9, 56:19-60:1, 60:9-68:1, 69:6-70:16, 71:4-87:16, 87:25-94:13, 94:21-110:10, 110:18-115:8, 115:14-134:4, 134:10-136:22, 137:19-24.	Deposition testimony regarding SAFE Boat's sale of vessel to City of Norfolk, testing protocols, design and operation of the vessel, and vessel history. Admissible pursuant to Federal Rule of Civil Procedure 32.
Tyler Lohse Deposition, Dated January 25, 2018	5:1-11; 7:21-83:23; 86:17-122:8.	Deposition testimony regarding SAFE Boat's sale of vessel to City of Norfolk, testing protocols, design and operation of the vessel, and vessel history. Admissible pursuant to Federal Rule of Civil Procedure 32.

The City designates the following discovery materials as required by this Court's Scheduling Order (ECF No. 288):

Exhibit No.	Title of Document	Description	Relevance and Basis for Admission
110	Plaintiff's Answers to Defendant the City of Norfolk's First Set of Interrogatories (May 10, 2017)	David Glover's Answer to the City's Interrogatory 2	Description of accident giving rise to this litigation. Admission by party-opponent.
111	Third-Party Defendant Willard Marine, Inc.'s Answers to SAFE Boats International, LLC's First Interrogatories (July 5, 2017)	Willard Marine Answer to SAFE Boats Interrogatory 10	Description of sea trial procedures related to the vessel in question. Admission by party-opponent.
112	SAFE Boats International, LLC's Objections and Answers to City of Norfolk's First Interrogatories (July 17, 2017)	SAFE Boats Answer to City Interrogatory 9	Description of SAFE Boats' notes, cautions, or warnings provided to its customers. Admission by party-opponent.

113	SAFE Boats International, LLC's Objections and Answers to City of Norfolk's First Interrogatories (July 17, 2017)	SAFE Boats Answer to City Interrogatory 16	Statement regarding maximum horsepower maximum for vessels like the vessel in question. Admission by party-opponent.
114	Third-Party Defendant Willard Marine, Inc.'s Responses to the City of Norfolk's Second Requests for Admission (July 6, 2017)	Willard's Response to the City's Request for Admission No. 1	Admission regarding authenticity and scope of the bid to work on the vessel in question. Admission by party-opponent.
115	SAFE Boats International, LLC's Objections and Responses to the City of Norfolk's First Requests for Admission (July 17, 2017)	SAFE Boats' Response to the City's Request for Admission No. 5	Admission regarding maximum horsepower plate affixed to vessels like the vessel in question. Admission by party-opponent.
116	SAFE Boats International, LLC's Objections and Responses to Richard J. Hryniewicz's First Requests for Admission (Oct. 19, 2017)	SAFE Boats' Response to Officer Hryniewicz's Request for Admission No. 6	Admission regarding maximum horsepower plate affixed to the vessel in question. Admission by party-opponent.

The City reserves the right to introduce into evidence any portion of any deposition transcript or video recording identified by the Plaintiffs or SAFE Boats (including undesignated portions of the above transcripts or video recordings) as well as deposition transcripts or video recordings not otherwise identified for purposes of rebuttal or impeachment. The City further reserves the right to introduce any pleadings, briefs, or portions thereof.

Dated: May 31, 2023

RICHARD J. HRYNIEWICH and THE CITY
OF NORFOLK, VIRGINIA

By /s/ Heather R. Pearson

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Officer Richard J. Hryniewicz*

CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of May 2023, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing to the following, and serve a copy of the same by U.S. mail and electronic mail:

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